

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

COLBY FRONTERHOUSE,

Defendant.

No. 21-mj-2002DPR

**UNITED STATES' MOTION FOR PRETRIAL DETENTION AND FOR
A HEARING PURSUANT TO 18 U.S.C. § 3142(e) and (f)**

The United States of America, through Timothy A. Garrison, United States Attorney for the Western District of Missouri, and by the undersigned Assistant United States Attorney requests pretrial detention and a detention hearing pursuant to 18 U.S.C. § 3142 (e)(3)(E), § 3142 (f)(1)(A), § 3142 (f)(2)(A), and § 3142 (f)(2)(B). At this hearing, the evidence will demonstrate that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required by the Court and the safety of other persons and the community.

Supporting Suggestions

1. Title 18, United States Code, Section 3142(f)(1)(A) provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the Government moves for such a hearing and if the case is one that involves an offense involving a minor or a crime of violence as defined in 18 U.S.C. § 3156(a)(4)(C), which includes the offenses of sexual exploitation of a minor, in violation of

18 U.S.C. § 2251(a). 18 U.S.C. § 3142(E)(3)(E) and § 3142(f)(1)(A).

2. The statute recognizes two additional situations which allow for a detention hearing and which can be raised either by the attorney for the Government or by a judicial officer. These conditions are:
 - a. When there is a serious risk that the defendant will flee; or,
 - b. When there is a serious risk that the person will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror. 18 U.S.C. § 3142(f)(2)(A) and (B).
3. One or more grounds for pretrial detention and a pretrial detention hearing as set forth by the statute exists in the above cause, to wit: this matter involves sexual exploitation of a minor. Further, there is a serious risk that the defendant's release will present a substantial risk to the victim and the community.
4. The crimes alleged in the Complaint require the Court to consider a rebuttable presumption that no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) will reasonably assure the appearance of the defendant as required and the safety of other persons and the community. 18 U.S.C. § 3142(e)(3)(E).
5. Moreover, the nature and circumstances of the charged offense, the weight of the evidence, the defendant's history and characteristics, and the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release, each demonstrate that there is no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) that will reasonably assure the appearance of the defendant as required and the safety of other persons and the community.
6. The Government is aware of the following evidence:
 - a. In relation to the nature and circumstances of the offense charged, on January 27, 2021, a

complaint was filed charging the defendant with sexual exploitation of a minor, in violation of 18 U.S.C. § 2251(a).

b. In relation to the weight of the evidence supporting the charge in the Complaint:

On September 11, 2020, Christian County, Missouri, Deputy Devin Wagner contacted John Doe, then 13 years old, and John Doe's father. Deputy Wagner was advised that John Doe had been contacted by an unknown individual, claiming to be a 14 year old female, (the "suspect"), using the phone number (417) 228-0055 and that John Doe had transmitted text messages with this phone number for approximately one week. During the exchange of messages, the suspect convinced John Doe to transmit nude images of himself, in exchange for nude images of herself.

Christian County, Missouri, Sheriff's Office Detective Sarah Spurlock-Patterson downloaded the contents of John Doe's Apple iPhone 8. Detective Spurlock-Patterson used law enforcement resources to learn the suspect phone number (417) 228-0055 was registered to Bandwidth, LLC, but was maintained by Ad Hoc Labs. An investigative subpoena to Ad Hoc Labs¹ revealed that the account associated with the burner phone number (417) 228-0055 was created on November 5, 2019, and "burned/expired" on September 18, 2020. The account listed phone number (417) 827-7535 as the actual phone number behind the burner phone number of (417) 228-0055. Homeland Security Investigations (HSI) Task Force Officer (TFO) Joseph Fletcher did research and determined that to register for a "burner" number with Ad Hoc Labs, a subscriber must provide a legitimate phone number. The defendant was notified of law enforcement's request to Ad Hoc Labs for the subscriber information. On November 23, 2020, law enforcement received an email from Dee Wampler in reference to the investigative subpoena to Ad Hoc Labs on behalf of his unnamed client.

A subpoena to AT&T revealed that the phone number (417) 827-7535 was registered to the defendant since November 10, 2007. AT&T provided two addresses for the defendant, one of which was 2573 South Mumford Avenue, Springfield, Missouri 65809. AT&T provided an email address for the defendant of colbyfront@yahoo.com.

¹ Ad Hoc Labs provides a service called the "Burner App". According to their website, "Burner is your "other" number – a smart privacy layer for the smartphone era, giving users the power to take control of their communications and personal data. Enabling users to obtain and manage additional phone numbers for voice, SMS, and MMS communications, Burner is fast, safe and private. Burner lets users get as many numbers as they want, use each as a private line on an iPhone or Android phone, and keep numbers indefinitely or 'burn' numbers they no longer need."

On January 6, 2021, TFO Fletcher began reviewing the forensic analysis of John Doe's cell phone and John Doe's associated iCloud account. TFO Fletcher located a series of images of a male in underwear, with what appeared to be an erect penis outline showing through the underwear. TFO Fletcher also located an image titled IMG_0466.JPG depicting a male exposing his penis. These images match the content of the text message thread between the suspect and John Doe. The exposed penis image was last modified on September 5, 2020, fitting the timeline of the text message and the content of the text messages between John Doe and the suspect.

TFO Fletcher reviewed the conversation that took place between John Doe and the phone number (417) 228-0055, which occurred between September 2, 2020, and September 6, 2020. During the conversation between John Doe and the user of (417) 228-0055, John Doe told the suspect he is 13 years old and the suspect identified himself as a 14 year old female. The first text message sent by the suspect to John Doe read, "Hey Ryan, was kind of hoping I'd hear from you over the weekend or this week:). I am so glad our paths crossed on Friday because I DEFINITELY had fun at your place:)...I needed to relieve some stress, and that definitely did the trick! Anyway, would love to hang out again sometime soon if you'd want!...so let me know if you're interested:). Hope to talk to you soon!! – Lacey." After John Doe clarified that he is not "Ryan", the text message conversation continued on for approximately four days with the suspect asking and encouraging John Doe to send the suspect sexually explicit images, having sexually explicit conversations with John Doe, and John Doe sending sexually explicit images to the suspect. At some point, the suspect made specific requests for poses or types of images from John Doe. During the text conversation, the suspect sent John Doe multiple images of a female who appeared to be approximately 14 years old, some of which were in bathing suits or underwear. The suspect appeared to entice John Doe into sending additional images of himself by promising to send John Doe additional images of the female. John Doe stopped responding to texts on September 6, 2020.

Within the conversation, the suspect ultimately identified himself as "Lacey Jones" a student who attends Kickapoo High School. Law enforcement followed up with Springfield Public Schools and determined that there was no student with the name "Lacey Jones" who attended Kickapoo High School.

TFO Fletcher was able to determine that the defendant was residing at the 2573 South Mumford Avenue address, and obtained a federal search warrant signed by Chief Magistrate Judge David P. Rush for this residence on January 21, 2021. The federal search warrant was served on the residence on January 26, 2021.

During the service of the search warrant, TFO Fletcher contacted the defendant at the residence. In the defendant's right front pants pocket was an Apple iPhone XS cell phone, which was seized by TFO Fletcher.

On January 27, 2021, HSI TFO Larry Roller, a certified forensic analyst, was able to perform a partial extraction of the iPhone seized from the defendant's person. In the information provided to TFO Roller from the iPhone extraction, the iPhone was utilizing the phone number (417) 827-7535. The email address colbyfront@yahoo.com was found as having been used on the iPhone and was the email address associated with the iCloud account on the iPhone.

Recovered in the partial extraction of the iPhone collected from the defendant were 16 connection logs to the Burner application server, showing this iPhone had connected to the servers owned and managed by Ad Hoc Labs Inc. Burner application. One of these connection logs showed the defendant's iPhone had connected to the Burner application servers on September 4, 2020, which was during the time frame when the text message conversation occurred between John Doe and the Burner application VoIP phone number (417) 228-0055. TFO Roller also determined that the defendant had completely reset his iPhone on September 21, 2020, at 0553 hours. This reset occurred after John Doe stopped communicating with the defendant and three days after (417) 228-0055 was allowed to expire. The defendant also reinstalled Windows on the Dell laptop recovered during the search warrant on November 17, 2021, at 22:09 hours, six days before Dee Wampler sent the email regarding the investigative subpoena to Ad Hoc Labs.

The defendant was employed as an Assistant Principal at Nixa Junior High School in Nixa, Missouri, at the time of the text message conversations with John Doe. On January 27, 2021, TFO Fletcher made contact with the administration at Nixa Junior High School who confirmed that John Doe's cell phone number was present in the school records database and that the defendant would have had access to that information.

7. Given the nature and circumstances of the offenses charged, the weight of the evidence against the defendant, the history and characteristics of the defendant including his access to children as a function of his employment as a vice principal, the danger to the victim and community by the defendant's release, and the risk that the defendant may threaten or intimidate, or attempt to threaten or intimidate, a prospective witness, the United States submits that there is clear and convincing evidence that there are no conditions that would reasonably assure the defendant's appearance in court or the safety of the victim or community. See 18 U.S.C. §3142(f) and §3142(g).

WHEREFORE, the United States requests a pretrial detention hearing and that Defendant be detained pending trial.

Respectfully submitted,

Timothy A. Garrison
United States Attorney

By /s/ Stephanie L. Wan
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on the 1st day of February, 2021, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Stephanie L. Wan
Stephanie L. Wan
Assistant United States Attorney